

## **MINUTES**

### **EAU CLAIRE CITY COUNCIL LEGISLATIVE MEETING**

**Tuesday, June 11, 2013**

**City Council Chamber**

**4:00 p.m.**

#### **PLEDGE OF ALLEGIANCE AND ROLL CALL**

Council President Kincaid called the meeting to order. The following members were present: Council Members David Duax, Catherine Emmanuelle, Kerry Kincaid, David Klinkhammer, Eric Larsen, Monica Lewis, Kathy Mitchell, David Strobel, Bob Von Haden, Andrew Werthmann, and Michael Xiong.

#### **CONSENT AGENDA**

The Council considered a resolution adopting the Consent Agenda for selected items of routine business on Tuesday, June 11, 2013. Council Members requested that Item 8-a, Consideration of awarding the bid for Procurement No. 2013-07, Construction of a Skateboard Plaza at Lakeshore Park, be removed from the Consent Agenda to allow separate consideration. Thereupon a motion was offered by Council Member Lewis and seconded by Council Member Von Haden "to adopt the remainder of the consent resolution". Said motion passed by unanimous vote.

#### **SKATEBOARD PLAZA**

The Council considered a resolution awarding the bid for Procurement No.2013-07, Construction of a Skateboard Plaza at Lakeshore Park. Thereupon a motion was offered by Council Member Emmanuelle and seconded by Council Member Mitchell "to adopt the resolution". Thereupon a motion was offered by Council Member Duax and seconded by Council Member Von Haden "to amend the resolution by adding a Be It Further Resolved paragraph to read as follows:

BE IT FURTHER RESOLVED, that the following conditions are hereby placed on this project and on the operation of the aforementioned skateboard park:

1. That only Phase One of Procurement No. 2013-17 shall be built, and that no other expansions, phases or modifications that add to the footprint of, or skateboard use and purpose, of said facility may be made without the approval of the City Council, upon the advice of the Waterways and Parks Commission and consultation with the Historic Randall Park Neighborhood Association.
2. That said facility shall be open for skateboarding during such times as may be authorized by the Director of the Parks, Recreation and Forestry Department, which hours may not exceed the period from 8 a.m. to sunset daily throughout the year.
3. That any use of the pavilion or park grounds shall be subject to the department's policies for permits and restrictions.
4. That the Lakeshore Elementary School Principal and the Superintendent of the Eau Claire Area School District shall be notified of any changes contemplated under clause (1) above, and any applications for permits for large events at Lakeshore Park under clause (3)".

Said motion to amend failed on following vote: Aye: Council Members Duax, Larsen, Lewis Strobel and Von Haden. Nay: Council Members Emmanuelle, Kincaid, Klinkhammer, Mitchell, Werthmann and Xiong. Discussion continued on the original motion to adopt the resolution.

Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Duax “to postpone consideration of this resolution and refer it the Waterways and Parks Commission for review”. Said motion to postpone failed on the following vote: Aye: Council Members Duax and Von Haden. Nay: Council Members Emmanuelle, Kincaid, Klinkhammer, Larsen, Lewis, Mitchell, Strobel, Werthmann and Xiong. Discussion continued on the original motion to adopt the resolution. The Council then voted on the motion to award the bid for construction of the skateplaza. Said motion passed on the following vote: Aye: Council Members Duax, Emmanuelle, Kincaid, Klinkhammer, Larsen, Mitchell, Strobel, Von Haden, Werthmann, and Xiong. Nay: Council Member Lewis.

### **PROCLAMATION**

Council President Kincaid, on behalf of the City Council, proclaimed June 19, 2013 as Juneteenth Day in the City of Eau Claire and encouraged all residents to join in recognizing this day of unity, freedom and opportunity and to honor the diversity of all racial and ethnic groups in the community.

Council President Kincaid introduced Professor Rob Baker and the interns from Wittenberg College (Ohio) who are working with the City and County this summer as part of the ICMA - Wittenberg Local Government Management Internship program.

### **SPECIAL EVENTS**

Council Member Larsen left the Council Chamber.

The City Council considered a resolution authorizing Carole Hoff to conduct the MAD-dash on Wednesday, June 26, 2013 at Carson Park and along city streets and sidewalks. Thereupon a motion was offered by Council Member Lewis and seconded by Council Member Von Haden “to adopt said resolution”. Said motion passed by unanimous vote.

Council Member Larsen returned to the Council Chamber.

The Council considered a resolution authorizing West Ridge Church and Harvestime Church to conduct The African Experience, a vacation bible school, at Owen Park on June 26, 2013. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Xiong “to adopt said resolution”. Said motion passed by unanimous vote.

### **PARK & OPEN SPACE PLAN**

The City Council considered a resolution approving the City of Eau Claire 2013-2017 Park and Open Space Plan. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Mitchell “to adopt said resolution”. Thereupon a motion was offered by Council Member Emmanuelle and seconded by Council Mitchell “to amend the Plan by adding a line in Chapter VI, Park and Open Space Projects, 2013-2017 Planned Projects under Other System-wide Improvements, to read ‘Provide infrastructure for new community

Gardens’.” Said motion was approved by unanimous voice vote. Thereupon a motion was offered by Council Member Lewis and seconded by Council Member Duax “to refer said resolution to the Waterways and Parks Commission and to have the Commission classify the 2013-2017 Planned Projects into three categories 1) Maintenance of existing facilities; 2) Completion of current projects; 3) Enhancements and new undertakings; and prioritize the projects within each category”. Said motion to amend failed by the following vote: Aye: Council Members Duax, Lewis, Strobel, Werthmann and Xiong. Nay: Council Members Emmanuelle, Kincaid, Klinkhammer, Larsen, Mitchell and Von Haden. Council returned to, and then voted on, the motion to approve the Plan. Said motion passed by the following vote: Aye: Council Members Duax, Emmanuelle, Kincaid, Klinkhammer, Larsen, Mitchell, Strobel, Von Haden, Werthmann, and Xiong. Nay: Council Member Lewis.

### **SIDEWALK REPAIR**

The City Council considered a resolution ordering the repair of sidewalk according to State Statute 66.0907 at 11 locations beginning with 433 N. Barstow Street, Parcel No. 08-0210. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Strobel “to adopt said resolution”. Said motion passed by unanimous vote.

Council Member Werthmann left the Council Chamber.

The Council considered a resolution ordering the repair of sidewalk according to State Statute 66.0907 at 20 locations beginning with 817 6<sup>th</sup> Avenue, Parcel No. 06-0053. Thereupon a motion was offered by Council Member Larsen and seconded by Council Member Emmanuelle “to adopt said resolution”. Said motion passed by unanimous vote.

Council Member Werthmann returned to the Council Chamber.

Council Member Strobel left the Council Chamber.

### **BLACK AVENUE - STREET VACATION & RELEASE OF EASEMENTS**

The City Council considered resolutions vacating a portion of Black Avenue, from CTH Q to 476 feet south, and a portion of Black Avenue, north from CTH Q to the southeasterly USH 53 right-of-way line and releasing the utility easements within said portions of Black Avenue. Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Von Haden “to postpone consideration of said resolutions until such time as a revised legal description is brought forward by staff”. Said motion to postpone passed by unanimous voice vote.

Council Member Strobel returned to the Council Chamber.

### **TIF #8 – DOWNTOWN DEVELOPMENT**

The City Council considered a resolution approving amendments to the project plan to provide additional infrastructure improvements and to expand the boundaries, making findings for Tax Incremental District No. 8 and appropriating the Amended Project Plan. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Werthmann “to adopt said resolution”. Thereupon a motion was offered by Council Member Larsen and seconded by Council Member Duax “to amend paragraph 5 of the Now, Therefore, Be It Resolved section of the resolution by changing the amount from \$7,801,000 to \$1,081,000”. Said motion to amend failed by the following vote: Aye: Council Members Duax, Larsen, Lewis, and Strobel. Nay: Council Members Emmanuelle, Kincaid, Klinkhammer, Mitchell, Von Haden, Werthmann, and Xiong. Discussion continued on the original motion to adopt the resolution. The Council voted on the original motion to adopt the resolution. Said motion passed on the following vote: Aye: Council Members Duax, Emmanuelle, Kincaid, Klinkhammer, Larsen, Mitchell, Von Haden, Werthmann, and Xiong. Nay: Council Members Lewis and Strobel.

Council Member Von Haden left the Council Chamber.

### **FINAL PLAT AMENDMENT - THISTLEDOWN**

The Council considered a resolution amending the final plat for Thistledown Subdivision in the Town of Washington as shown on Planning File #P-7-03 Amd. #6. Thereupon a motion was offered by Council Member Xiong and seconded by Council Member Klinkhammer “to adopt said resolution”. Said motion passed by unanimous vote.

Council Member Von Haden returned to the Council Chamber.

Council Member Emmanuelle left the Council Chamber.

### **INTERGOVERNMENTAL AGREEMENT WITH TOWN OF WASHINGTON**

The City Council considered a resolution amending the Intergovernmental Agreement with the Town of Washington clarifying language pertaining to changes to the Future Land Use Map within the agreement and concurring on a proposed change for property at 5163 Friedeck Road in the Town of Washington. Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Duax “to adopt said resolution”. Said motion passed by unanimous vote.

Council Member Emmanuelle returned to the Council Chamber.

## **ELECTRONIC AGENDAS**

The City Council considered a resolution authorizing the City Manager to proceed with implementation of an electronic agenda system. Thereupon a motion was offered by Council Member Strobel and seconded by Council Member Larsen “to adopt said resolution”. Said motion passed by unanimous vote.

## **EMPLOYMENT POLICIES**

The Council considered a resolution adopting various employment policies for City Employees. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Strobel “to adopt said resolution”. Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Duax “to amend Section 4.10 – Residency to read: ‘The City of Eau Claire does not have a residency requirement for employees. Response time expectations will be explained by the Supervisor. Response time could be a factor in performance evaluations if it does not meet expectations’.” Said motion to amend passed by unanimous voice vote. Council discussed Section 4.11 – Discipline. Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Duax “to amend Section 4.11 - Discipline to incorporate staff’s recommended wording”. Said motion to amend passed by the following vote: Aye: Council Members Duax, Kincaid, Larsen, Lewis, Klinkhammer, Mitchell, Strobel, Von Haden, and Xiong. Nay: Council Member Emmanuelle and Werthmann. By unanimous consent the Council approved staff’s recommended wording for section 4.13 – Layoffs and Furloughs, with the addition of the word ‘comparable’ in the second bullet point. (An employee on layoff who rejects a job offer of a comparable position shall forfeit any further reinstatement rights.) The Council voted on the motion to adopt the resolution. Said resolution was approved on the following vote: Aye: Council Members Duax, Emmanuelle, Kincaid, Klinkhammer, Larsen, Lewis, Mitchell, Strobel, Von Haden, and Xiong. Nay: Council Member Werthmann.

## **PAY PLAN ORDINANCE**

The City Council considered an ordinance amending the City Pay Plan, specifically that part thereof pertaining to the following employee categories: Clerical, Technical, Supervisory, Fire Command, Police Command, Confidential, Division Heads, Managerial and Federally Funded employees; and further amending and re-labeling Section 2.72.010 of the City Code of Ordinances as “City of Eau Claire Pay Plan - Adopted”. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Von Haden “to adopt said ordinance”. Thereupon a motion was offered by Council Member Emmanuelle and seconded by Council Member Mitchell “to add a paragraph to Section 1 – Pay Plan and Practices to read ‘Employees shall be paid a minimum of two hours when called into work outside of their regular shift’.” Said motion to amend passed by the following vote: Aye: Council Members Duax, Emmanuelle, Kincaid, Larsen, Mitchell, Strobel, Von Haden, Werthmann, and Xiong. Nay: Council Members Klinkhammer and Lewis. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Larsen “to amend the paragraph dealing with ‘Overtime payable as wages’ to have vacation leaves be considered time worked for the calculation of overtime”. Said motion failed by the following vote: Aye: Council Members

Emmanuelle, Kincaid, Larsen, and Werthmann. Nay: Council Members Duax, Klinkhammer, Lewis, Mitchell, Strobel, Von Haden and Xiong. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Emmanuelle “to amend the paragraph dealing with ‘Overtime payable as wages’ to have bereavement leaves be considered time worked for the calculation of overtime”. Said motion failed by the following vote: Aye: Council Members Emmanuelle, Kincaid, Larsen, and Werthmann. Nay: Council Members Duax, Klinkhammer, Lewis, Mitchell, Strobel, Von Haden and Xiong. The Council then voted on the ordinance with the one approved amendment. Said ordinance was adopted by the following vote: Aye: Council Members Duax, Emmanuelle, Kincaid, Klinkhammer, Larsen, Lewis, Mitchell, Strobel, and Von Haden. Nay: Council Members Werthmann and Xiong.

### **EMPLOYEE BENEFITS & LEAVES**

The Council considered an ordinance creating a City Employee Benefits and Leaves Ordinance. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Lewis “to adopt said ordinance”. Said motion passed by the following vote: Council Members Duax, Emmanuelle, Kincaid, Klinkhammer, Larsen, Lewis, Mitchell, Strobel, Von Haden and Xiong. Nay: Council Member Werthmann.

### **ZONING**

The City Council considered an ordinance rezoning property at the southeast corner of USH 53 and Prairie Park Drive from TR-1A to R-3P and to adopt the General Development Plan for Prairie Park Phase 5 as shown on Planning File #Z-1527-13. Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Duax “to adopt said ordinance”. Said motion passed by unanimous vote.

### **SIGN CODE AMENDMENT**

The Council considered an ordinance amending Chapter 16.16 of the City Code of Ordinances, specifically the Sign Code, providing provisions for review of certain signs by conditional use permit in residential districts as shown on Planning File #Z-1528-13. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Strobel “to adopt said ordinance”. Said motion passed by unanimous vote.

### **ADJOURNMENT**

A motion was offered by Council Member Klinkhammer and seconded by Council Member Mitchell “that this meeting does now adjourn.” Said motion passed by unanimous voice vote.

Adjournment: June 11, 2013

Time: 8:13 p.m.

ATTEST:

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Kerry J. S. Kincaid, President

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Donna A. Austad, City Clerk